Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/939,206	GILL ET AL.
	Examiner	Art Unit	
	Jamisue A. Webb	3629	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-45_ is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-45_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _24 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _20020521, 20030401_.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claim 15, 30 and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite the phrase "Prolog rules" where the rules generated to calculate the freight rates, are Prolog rules. Prolog is a computer language, much like JAVA, C++, or Basic. In the specification, it talks about using Prolog programming language to calculate the rates, but it fails to mention anything on how to generate Prolog rules, and never gives a description what the Prolog rules are. One of skill in the art would not be able to generate Prolog rules for calculating the rates. Therefore the application lacks enablement for generating and using Prolog rules for calculating freight rates.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1, 2, 4-7, 9, 11-13, 16, 17, 19-22, 24, 26-28, 31, 32, 34-37, 39, and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kulik (5,661,653).

5.   With respect to Claims 1, 16 and 31: Kulik discloses the use of a rate sheet input module

(25) for accepting rate sheet information (see Figure 2), a custom rates processor (31) with

functions as a rate sheet analyzer module and together with a rates manager functions also a rule

generator (25 and 31, with corresponding detailed descriptions in Columns 5 and 6) and that

interfaces with a template storage module (33).

6.   With respect to Claims 2, 17 and 32: Kulik discloses some examples of the rate tables,

which the examiner considers to be spreadsheet format (see columns 7 and 8).

7.   With respect to Claims 4, 19 and 34: Kulik discloses the user interfacing with the system

to define custom rate information (Column 6, lines 21-29).

8.   With respect to Claims 5-7, 20-22 and 35-37: Kulik discloses the user can define such

things as class, and weight, in a template for determining the rate (column 6, lines 20-40, Tables

1-3). The examiner considers this to be a keyword, that signifies the type of data (i.e. class or

weight).

9.   With respect to Claims 9, 24 and 39: Kulik discloses all the applications are run on one

machine, the PARAGON Mail Processor, therefore the template module and the rate analyzer

module being local to each other.

10.   With respect to Claims 11, 13, 26, 28, 41 and 43: See reference numerals 21 and 23.

11.   With respect to Claims 12, 27 and 42: Kulik discloses that the rates can be analyzed using

no template and where there is a default rate table used (See Column 6, lines 3-9).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14.   Claims 10, 15, 25, 30, 40 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulik (5,661,653).

15.   With respect to Claims 10, 25 and 40: Kulik discloses the claimed invention except for the template storage module being remote from the rate sheet analyzer module. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have to template storage module be remote from the rate sheet analyzer module, since it has been held that the location of parts, whether it be local or remote, involves only routine skill in the art.

16.   With respect to Claims 15, 30 and 45: Kulik, as disclosed above for Claim 1, teaches the claimed invention, but fails to expressly disclose the use of Prolog programming language for the rules generating.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use the Prolog programming language, because Applicant has not disclosed the sue of Prolog provides an advantage, is used for any particular

purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with any other programming language, because all programming languages can be writing to perform the same function of generating rules for calculating freight rates. Therefore, it would have been obvious matter of design choice to modify Kulik to use the Prolog programming language.

17.   Claims 3, 8, 18, 23, 33, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulik (5,661,653) in view of Mattioli, Jr. et al. (6,286,009).

18.   With respect to Claims 3, 18 and 33: Kulik, as disclosed above for Claim 1, discloses the use of customized rate tables by class, but fails to disclose the rate tables including zones. It is old and well known in the art that rate calculations for shipping, include such parameters as zone (for example international shipping is always higher than shipping within the United States. Mattioli shows that the zone is commonly included in a rate calculation (column 3, lines 32-52). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the rate calculation and rate tables of Kulik, include the zone, as disclosed by Mattioli, as specified in claim 3.

19.   With respect to Claims 8, 23 and 38: As disclosed above for Claim 1, Kulik discloses a rate table system, but fails to disclose the reporting of potential errors. Mattioli discloses that if input parameters are wrong, an error message occurs (column 14, lines 40-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kulik, to include the notification of an error feature, as disclosed by Mattioli, in order to notify the user an error has occurred so a proper input can then be entered and the calculation can be performed. (See Mattioli, column 14).

20.   Claims 14, 29 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kulik (5,661,653) in view of Schwartz et al. (6,462,286).

21.   Kulik, as disclosed above for Claim 1, discloses the claimed invention, but fails to

disclose the use of an accessorial charge module and where the rates are calculate responsive to

the accessorial charge. Schwartz discloses the use of a rate calculation module that has an

accessorial charge module (or a button that associate an accessorial charge with the rate) that

calculate the rate for added features such as next day air, second day air or insurance, and even

has a special charges button (See Figures 13, 19, 20 and 25, and Column 13, lines 17-58, Column

16, lines 12-52). It would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify Kulik, to include the accessorial charge feature/module, of

Schwartz, in order to offer a shipping/freight customer special services such as insurance, with

rates associated with them for various carriers. (See Schwartz, Column 2 and 16)

Conclusion

22.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Hasbani et al. (6,169,977) discloses a system with a carrier rating module, Barns-

Slavin et al. (5,117,364) discloses the use of a carrier management and rating system, Pintsov et

al. (5,448,641) discloses the use of a postal rating system, Thiel (6,321,214) discloses calculating

of rates for various carriers based on zones, Nicholls et al. (5,485,369) discloses the use of a rate

server that calculates rates for carriers, Levitsky et al. (6,466,948) discloses the use of a system

for weighing and rating parcels, Boucher et al. (6,078,889) discloses the use of a carrier manager

librarian, which contains carrier rates, Danford-Klein et al. (6,061,667) discloses the use of a
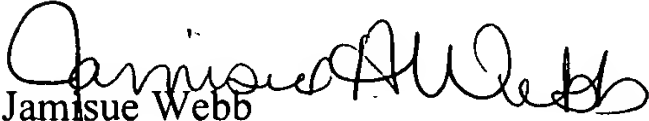
service engine for a rating system, Boucher et al. (GB 2331601A) discloses the use of a carrier module library used to calculate shipping rates, NetSuite (Dialog file 35273723) discloses a computer e-commerce program that calculates real time shipping rates, and Traffic World, Inc. (Dialog 0006293830) discloses software applications that calculate rates for shipping.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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